



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,536	09/10/1999	BRIAN T. WEBB	5577-177	4362

20792 7590 07/31/2003

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 07/31/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

PR4

Office Action Summary	Application No.	Applicant(s)	
	09/394,536	WEBB ET AL.	
	Examiner	Art Unit	
	Anita Choudhary	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 8-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 19-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed on June 23, 2003 under 37 CFR 1.312 has been entered. Claims 1, 19, 23, 30, and 34 have been amended and are presented for further examination. Claim 8-18 have been cancelled.

Claims 1-7 and 19-36 are pending.

Response to Arguments

Applicant's response points out that cited reference Nakabayashi (US 5,905,866) does not show the use terminal emulation and is not well suited to deal with asynchronous communications. However terminal emulation is not mentioned in the claims so response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., terminal emulation and asynchronous communication) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In addition Butts (US 5,754,830) can be properly modified by the teachings of Nakabayashi in that Butt's shows client using a synchronous socket TCP/IP connection with a server to communicate with a legacy host system (col. 4 lines 45-53). Furthermore Nakabayashi also shows client using a synchronous communications to connect to the server to communicate with a host using HTTP request response communication model instead of persistent TCP/IP connection. The benefit in using HTTP communications to communicate with host instead of a

Art Unit: 2153

persistent real-time TCP/IP communications is that HTTP takes up less computer resources for example bandwidth, which may be more critical for some clients. Therefore the HTTP communications model allows client to use less bandwidth when requesting and receiving information from a host on a need to know basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 19-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butts et al (hereinafter Butts, US Patent 5,754,830) in view of Nakabayashi et al. (hereinafter Nakabayashi, US Patent 5,905,866).

In referring to claims 1, 19, 23, 30, and 34, Butt's discloses accessing a legacy host system over the Internet using TCP/IP connection. Butts shows receiving terminal information from legacy host system based on format of character terminal of a legacy host (col. 1 lines 28-33, col. 3 lines 16-22). Butt's also shows initiating a connection with a host by transmitting a request to HTTP server for access to the legacy host system (fig. 3, col. 6 lines 28-56).

Although Butt's discloses substantial features of the claimed invention, Butt's does not disclose establishing first and second connections for receiving notification and requesting of updates. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Butts as evidenced by Nakabayashi.

Art Unit: 2153

In an analogous art Nakabayashi discloses a system for receiving updates through a data update monitoring network. Nakabayashi shows:

- Establishing a first connection between a client and server application (fig. 40, ^{HTTP} connection between client 2000 and web server 4000, col. 41 lines 34-40).
- Server application providing updated host screen information to client application in response to request from client (col. 47 line 64- col. 48 line 13).
- Updated host information is based on information formatted for character terminal of a host legacy system (col. 12 line 36-52). ^(com. host)
- Establishing a second connection between monitor application (client 2000) and server application (fig. ^{40, 46} ~~40~~ connection between client 2000 and data management server 800, col. 47 line 52 col. 48 line 13).
- Receiving a notification of availability of host screen information over the second connection (col. 48 lines 13-25). ^{reaction code?}
- Requesting the updated host screen information over the first connection responsive to the receiving the notification (col. 48 lines 26-37).
- Receiving the updated host screen information at the client (col. 48 lines 38-44)
- Displaying the received updated host screen information using the client application (fig. 48).
- Receiving and requesting host information using HTTP request response communications model, a standard communications protocol used over the web for communicating with host (col. 41 lines 5-44).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system disclosed by Butts by employing the features shown by Nakabayashi in order to save resources by not having a persistent real time connection which adds to bandwidth and resource consumptions not available to resource critical clients (PDA's). But instead using a request-response model in which the client only requests and receives updates when updates are needed (col. 48 lines 34-37).

In referring to claim 2, ~~3~~, ~~9~~, ~~10~~, ~~13~~, ~~14~~, 20, 21, 24, 25, 31, 32, and 36, Butts et al disclose:

- An applet (notification code) downloaded and executed by client for real-time update information (col. 3 lines 53- col. 6 line 26).

Butts employs an applet code for providing the update. Executable code for an applet process is downloaded to the client system and applet process is executed under the client web browser at time of update (see col. 2 lines 15-30; col. 5 lines 14-43).

Given the teachings of Butts one of ordinary skill in the art would have readily recognized the desirability and advantages of modifying Nakabayashi by employing the well known features of an applet for updates, such as disclosed by Butts in order to provide client with dynamic method to handling real-time host updates to user screens.

In regards to claim 4 and 26, Butts shows the update host screen information comprising of Markup language as well known (col. 1 lines 30-40).

In regards to claim 5 and 27, Butts discloses the host information comprising of terminal emulation information coming from a web/emulation server. Web browser invokes a terminal session to access data and on the host system (col. 3 line 66- col. 4 line 31).

In regards to claim 6 and 28, Nakabayashi shows the connections between data monitor server and host web server are conducted through a single communications link through a service provider to the Internet (fig. 40; col. 47 lines 56-61).

In referring to claim 7, 22, 29, and 33, Nakabayashi shows the data monitor server having more than one client for providing update information (col. 48 lines 51-59).

In regards to claim 35, Butts shows connections comprising of sockets (fig. 1 item 44; col. 4 lines 15-31).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AC
July 25, 2003


KRISHNA LIM
PRIMARY EXAMINER